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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,076	11/18/2003	Alain Touma	Touma	4786

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/716,076

Applicant(s)

TOUMA, ALAIN

Examiner

Steven M Marsh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

This is the first office action for U.S. Application 10/716,076 for a Baby Bottle Holder filed by Alain Touma on November 18, 2003.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 7 recites the limitation "wherein the distance between the neck receiver and the bottom end of the neck support is adjustable". This feature is not disclosed in the specification and it is not clear from the drawings how the neck receiver (26) can be adjustable relative to any portion of the neck support (14) because it is one-piece. Therefore, this claim has not been examined on its merits. The 2<sup>nd</sup> to the last line in claim 10 recites the limitation "the second end is releasably attached to the second surface". However, the second end of the second strap is attached to the other strap, not to the surface of the grip. It is assumed that Applicant intended to claim the second end as attached to the strap.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,301,634 to Ho. Ho discloses a baby bottle holder with a neck (14) support formed of a plate, having a front face, a top end, and a bottom end, with the top end forming a U-shaped (15) neck receiver. There is at least one stop (11) having a front face, and at least one strap (6) with a first end and a second end, the second end having a fastening mechanism (62). There is a frame (1) with a top surface, a bottom surface, a first end, a second end, a long axis, a first edge, and a second edge. The bottom end of the neck support is attached to the top surface substantially adjacent to the first end and the front face of the neck support is substantially perpendicular to the long axis of the frame. The front face of the stop is oriented substantially parallel to the front face of the neck support and the stop is attached to the top surface substantially adjacent to the second end. The first end of the strap is attached to the frame and an attachment mechanism (12) is attached to the bottom surface of the frame. There is also a second stop (2) attached to the top surface of the frame between the first stop and the neck support.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of U.S. Patent 6,098,934 to Skelton. Ho does not disclose a baby bottle holder with an attachment mechanism on the bottom surface that has a hook and loop material. Skelton discloses a baby bottle holder with fastening mechanism (11) on top of a holder (3) and an attachment mechanism (20) with hook and loop material (see cols. 3 and 4) on the bottom of the holder for attachment to an external component. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an attachment mechanism, including hook and loop material, on the bottom of the holder taught by Ho, as taught by Skelton, for the purpose of providing a quick attachment means for attaching the holder to an external component.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of U.S. Patent 5,022,616 to Kordecki. Ho does not disclose a hook and loop fastener on the fastening mechanism. Kordecki discloses a baby bottle holder with a strap (24) for holding the bottle to a holding portion. The strap is held together by hook and loop fasteners formed on the strap to allow the strap to be easily attached and detached. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided hook and loop material on the strap taught by Ho, as

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taught by Kordecki, for the purpose of providing a strap with a fastening means that allows the strap to be quickly attached and detached from around a baby bottle.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho in view of Skelton, and in further view of Kordecki. Ho does not disclose hook and loop material on the first strap and second straps or an attachment mechanism with hook and loop material as discussed above in the rejections of claims 5 and 6. Skelton and Kordecki provide each teaching, respectively as discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an attachment mechanism, including hook and loop material, on the bottom of the holder taught by Ho, as taught by Skelton, for the purpose of providing a quick attachment means for attaching the holder to an external component. It also would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided hook and loop material on the strap taught by Ho in view of Skelton, as taught by Kordecki, for the purpose of providing a strap with a fastening means that allows the strap to be quickly attached and detached from around a baby bottle.

Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent D439,671 to Casillo et al. in view of Skelton. Casillo et al. discloses baby bottle holder with a grip that has a front surface, a back surface, a first surface, a second surface, an upper surface, and a bottom surface. The upper surface has a U-shaped concavity extending from the front surface to the back surface. The concavity has a surface shaped to substantially envelop a portion of the outer surface of a baby bottle and it is inclined relative to the bottom surface of the grip.

Casillo et al. does not disclose an attachment mechanism located on the bottom surface of the grip. Skelton discloses providing an attachment mechanism on the bottom of a baby bottle holder for attaching the holder to an external component as discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an attachment mechanism, including hook and loop material, on the bottom of the holder taught by Casillo et al., as taught by Skelton, for the purpose of providing a quick attachment means for attaching the holder to an external component.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casillo et al. in view of Skelton, and in further view of Kordecki. Casillo et al. does not disclose straps with first ends attached to the first and second surfaces, respectively, and second ends attached the opposing strap. Kordecki discloses first and second straps attached to first and second surfaces of a bottle holder, respectively, at one end, and releasably attached to the opposing strap at the other, as discussed above. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided first and second straps on first and second surfaces of the holder taught by Casillo et al. in view of Skelton, as taught by Kordecki, for the purpose of providing a means for releasably securing a baby bottle within the holder.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Des. 432,759 to Krolczyk et al.

U.S. Patent 6,523,793 B1 to Higgins

U.S. Patent 4,513,935 to Aguirre

U.S. Patent 3,253,084 to Taylor

U.S. Patent 5,056,744 to Ludwig

U.S. Patent Des. 423,774 to Peterson

U.S. Patent 2,391,264 to Nickelson

The above patents all disclose bottle holders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER

June 21, 2004